

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TAMI B.,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY.

Defendant.

CASE NO. C21-328-BAT

ORDER AFFIRMING DEFENDANT'S DECISION TO DENY BENEFITS

Plaintiff seeks review of the denial of her application for Disability Insurance Benefits.

Plaintiff contends the ALJ erroneously rejected her testimony and two medical opinions. Dkt.

11. For the reasons below, the Court **AFFIRMS** the Commissioner's final decision and

DISMISSES the case with prejudice.

BACKGROUND

Plaintiff applied for Disability Insurance Benefits on June 22, 2018, alleging disability as of March 17, 2017. Tr. 530–31. She was a younger individual at the time of her application, but changed to closely approaching advanced age during the alleged disability period. Tr. 25. Her application was denied initially and on reconsideration. Tr. 529–69. ALJ Glenn Meyers held a

1 hearing at Plaintiff's request on August 18, 2020.¹ Tr. 493–528. On September 2, 2020, the
 2 ALJ issued a decision finding Plaintiff not disabled. Tr. 15–26. In relevant part, the ALJ found
 3 Plaintiff had severe impairments of Sjogren's syndrome, asthma, spinal impairment(s), sleep
 4 apnea, obesity, neurocognitive disorder(s), and anxiety disorder(s). Tr. 17. The ALJ found
 5 Plaintiff could perform light work with some postural and environmental restrictions, and could
 6 perform unskilled, repetitive, routine tasks in two-hour increments. Tr. 19.

7 The Appeals Council denied review, making the ALJ's decision the Commissioner's final
 8 decision. Tr. 1–3.

9 DISCUSSION

10 A. Plaintiff's Testimony

11 Plaintiff contends the ALJ erred by discounting her symptom testimony. Plaintiff
 12 reported she is disabled primarily due to spinal problems and extreme fatigue. Tr. 711. She
 13 testified she could walk half a mile on a treadmill in July 2018, but could not walk at all on a
 14 treadmill by August 2020. Tr. 506, 716. She testified she could walk a mile outside in July
 15 2018, but could only walk three-quarters of a mile by August 2020. Tr. 506, 716. Plaintiff
 16 testified she can only do things in short spurts due to exhaustion. Tr. 511–12, 515. Plaintiff
 17 testified she has trouble with concentration, comprehension, and following directions due to
 18 fatigue. Tr. 520–21, 711, 716.

19 Because the ALJ found Plaintiff presented objective medical evidence establishing
 20 underlying impairments that could cause the symptoms alleged, and no affirmative evidence of
 21 malingering, the ALJ was required to provide "specific, clear, and convincing" reasons
 22

23 ¹ The hearing was conducted via telephone "due to the extraordinary circumstance presented by the Coronavirus Disease 2019 (COVID-19) Pandemic." Tr. 15.

1 supported by substantial evidence to discount Plaintiff's testimony as to symptom severity.

2 *Trevizo v. Berryhill*, 871 F.3d 664, 678 (9th Cir. 2017).

3 The ALJ reasonably discounted Plaintiff's testimony as inconsistent with the overall
4 medical evidence. Tr. 20–23. “Contradiction with the medical record is a sufficient basis for
5 rejecting the claimant’s subjective testimony.” *Carmickle v. Comm’r, Soc. Sec. Admin.*, 533
6 F.3d 1155, 1161 (9th Cir. 2008) (citing *Johnson v. Shalala*, 60 F.3d 1428, 1434 (9th Cir.1995)).

7 The ALJ reasonably concluded Plaintiff's claims were inconsistent with her medical
8 examinations, which were largely normal. *See, e.g.*, Tr. 921–22, 1055, 1156, 1191, 1282, 1595–
9 96, 1723, 1888, 2078, 2238–39. Further, the ALJ reasonably concluded Plaintiff's symptoms
10 improved, and were controlled with medication. *See, e.g.*, Tr. 925, 927, 1140, 1145, 1303, 1611,
11 1833–34, 2236. The ALJ thus rationally interpreted the evidence, and did not err in discounting
12 Plaintiff's testimony.

13 **B. Medical Opinion Evidence**

14 Plaintiff contends the ALJ erred by rejecting the opinions of treating rheumatologist
15 Arinola Dada, M.D., and treating primary care provider Pratima Sharma, M.D. Under 20 C.F.R.
16 § 404.1520c(b)(2), (c), the ALJ considers the persuasiveness of the medical opinion using five
17 factors (supportability, consistency, relationship with claimant, specialization, and other), with
18 supportability and consistency being the two most important factors. The decision must explain
19 how the ALJ considered the factors of supportability and consistency, 20 C.F.R. § 404.1520c(b),
20 and must be supported by substantial evidence.

21 Dr. Dada submitted a letter, dated August 13, 2020, describing his treatment of Plaintiff
22 and opining as to her limitations. Tr. 1844–45. Dr. Dada opined Plaintiff's “chronic fatigue,

1 chronic pain, Sjogren's syndrome [sic] have prevented her from performing work-like activities
 2 at a sedentary level." Tr. 1844.

3 Dr. Sharma submitted a letter, dated August 17, 2020, describing Plaintiff's treatment and
 4 opining as to her limitations. Tr. 1846–47. Dr. Sharma testified Plaintiff "can remain awake,
 5 productive [sic] for about 8 to 12 hours on a good day." Tr. 1847. Dr. Sharma opined
 6 "[m]inimal activity such as standing for about 10 minutes causes back pain, flares or plantar
 7 fasciitis and peripheral arthritis." *Id.* Dr. Sharma opined Plaintiff "finds herself unable to
 8 complete her day-to-day tasks, and is unable to work." *Id.*

9 The ALJ rejected Dr. Dada's and Dr. Sharma's opinions. Tr. 23. The ALJ reasoned the
 10 doctors' treatment records did not support their opinions, as those records contained almost
 11 entirely unremarkable findings. *Id.* The ALJ found because these doctors' findings were
 12 unremarkable, the doctors must have based their opinions on Plaintiff's self-reports, which the
 13 ALJ previously rejected. *Id.* And the ALJ found the doctors' opinions were inconsistent with
 14 the overall medical record, which showed improvement and adequate control of Plaintiff's
 15 symptoms. Tr. 23–24.

16 The ALJ did not err in rejecting Dr. Dada's and Dr. Sharma's opinions. The doctors'
 17 records, as well as those of other providers, contained nearly all normal findings. *See, e.g.,* Tr.
 18 926, 1055, 1064, 1596, 1601, 1859–60, 1907, 1998. And, as discussed above, the ALJ
 19 reasonably concluded the overall record showed Plaintiff's symptoms improved and were
 20 adequately controlled. *See, e.g.,* Tr. 925, 927, 1140, 1145, 1303, 1611, 1833–34, 2236. Plaintiff
 21 argues the ALJ erred in making these findings. However, the Court cannot say the ALJ's
 22 assessment of the record is unreasonable and unsupported by the record. Hence, even if
 23 Plaintiff's assessment of the record is reasonable, the Court is required to affirm the ALJ's

1 assessment. Because the ALJ gave valid reasons supported by substantial evidence to reject Dr.
2 Dada's and Dr. Sharma's opinions, whether the doctors relied upon Plaintiff's self-reports is
3 inconsequential to the outcome here and need not be further discussed.

4 Plaintiff also contends the ALJ erred by giving greater weight to other medical
5 consultants and by failing to address whether Plaintiff met or equaled Listing 14.10. Because
6 these arguments rely upon the ALJ's assessment of the opinions of Drs. Dada and Sharma, and
7 the ALJ did not err in rejecting their opinions, Plaintiff's arguments fail.

8 **CONCLUSION**

9 For the foregoing reasons, the Commissioner's decision is **AFFIRMED** and this case is
10 **DISMISSED** with prejudice.

11 DATED this 13th day of October, 2021.

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13 
14 BRIAN A. TSUCHIDA
United States Magistrate Judge